

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**REAL LEGACY ASSURANCE
COMPANY, INC.,**

Plaintiff,

2005-CV-0070

v.

LAMIA AFIF,

Defendant.

**TO: Douglas L. Capdeville, Esq.
Lee J. Rohn, Esq.**

**ORDER REGARDING DEFENDANT/COUNTER-PLAINTIFF'S
MOTION TO COMPEL**

THIS MATTER came before the Court upon the parties' Joint Stipulation Regarding Defendant/Counter-Plaintiff's ("Plaintiff's") Motion to Compel Counter-Defendant ("Real Legacy") to Provide Complete Supplemental Responses to Discovery (Docket No. 39).

Having reviewed the joint stipulation and upon due consideration thereof, the Court makes the following findings concerning each discovery request at issue:

Interrogatory No. 9: Counter-Defendant claims that the documents sought by Defendant/Counter-Plaintiff already have been produced in response to demands for production of documents. The Court

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will deny Defendant/Counter-Plaintiff's motion without prejudice with regard to the documents at issue.

Interrogatory Nos. 23 and 24: This Court previously has held that responses to contention interrogatories may be deferred until the later stages of discovery in accordance with *B. Braun Medical, Inc. v. Abbot Laboratories*, 155 F.R.D. 525 (E.D. Pa. 1994). However, the Court will order Counter-Defendant to supplement its responses to provide any currently known facts.

Demand For Production No. 1: The Court finds that the documents listed in its privilege log in response to this demand are protected by the attorney client and/or attorney work-product privilege. Consequently, the Court will deny Defendant/Counter-Plaintiff's motion with regard to this discovery request.

Demand For Production Nos. 14 and 20: The Court will restrict the demands to claims and/or cases involving similar incidents to the one underlying the matter

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at bar. Counter-Defendant shall provide responsive documents for any claims/cases involving substantially similar incidents.

Accordingly, it is now hereby **ORDERED**:

1. Defendant/Counter-Plaintiff's ("Plaintiff's") Motion to Compel Counter-Defendant ("Real Legacy") to Provide Complete Supplemental Responses to Discovery (Docket No. 39) is **GRANTED IN PART AND DENIED IN PART**.
2. Plaintiff/Counter-Defendant shall supplement, within ten (10) days from the date of entry of this order, its responses to Interrogatory Nos. 23 and 24 and Demand For Production Nos. 14 and 20 as more particularly set forth hereinabove.

ENTER:

Dated: February 20, 2008

_____/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE